

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-51 are presently active; Claims 1, 17, 18, 34, 35, and 51 having been amended. No new matter has been added.

In the outstanding Office Action, Claims 17, 34, and 51 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-13, 18-30, and 35-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabata (U.S. Pat. No. 6,198,542) in view of Kawaguchi (U.S. Pat. No. 6,507,409). Claims 14, 31, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabata and Kawaguchi in view of Motoyama (U.S. Pat. No. 5,887,216). Claims 15-17, 32-34, and 49-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tabata and Kawaguchi in view of Sawada et al (U.S. Pat. No. 5,933,675) and Chihara (U.S. Pat. No. 6,208,428).

Regarding the 35 U.S.C. § 112, second paragraph, rejection to Claims 17, 34, and 51, these claims have been amended to more particularly point out that the abnormal difference represents that the current number defined therein is prescribed times as much as an average value calculated by averaging total usage information of users. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

Firstly, as defined in the independent claims, the usage information is obtained from at least one image-forming apparatus and a plurality of data communication apparatuses (i.e., obtains usage information in a network control system). Applicants submit that none of specific devices of Tabata obtain usage information in a network control system. Thus, it is respectfully submitted that the feature of obtaining the usage information from at least one image-forming apparatus and a plurality of data communication apparatuses is a feature is not disclosed or suggested in Tabata.

Furthermore, the outstanding Official Action asserts that Kawaguchi discloses a confirming device configured to confirm which of the plurality of data communication apparatuses and the at least one image forming apparatus have not-yet obtained usage information.¹ Applicants respectfully disagree with this assertion. The passage relied on in the Office Action for Kawaguchi's teaching of a confirming device, "a command to confirm the number of passed sheets," is directed to a different technology that determines a time when a device or the like is replaced or replenished, and does not specify particular image forming apparatuses. Thus, Applicants respectfully submit that this device in Kawaguchi does not correspond to the claimed confirming device. Stated differently, as defined in clarified Claims 1, 18, and 35, the confirming device permits the collection (i.e., the obtaining) of usage information not yet obtained in a previous operation. Such an operation differs technically from the replacement function or the like performed in Kawaguchi. Hence, Applicants respectfully submit that the defined not-yet-obtained usage information and the associated confirming device(s) or functions defined in independent Claims 1, 18, and 35 are not disclosed or suggested in Kawaguchi.

Moreover, the outstanding Official Action asserts that Kawaguchi discloses that a not-yet-obtained list can be performed via the host computer.² Applicants respectfully disagree with this assertion. The cited disclosure in the Office Action to column 8, lines 25-45, in Kawaguchi is believed not to disclose the not-yet-obtained list as defined in the presently clarified independent claims. The presently clarified claims define that the not-yet-obtained list indicates which of the plurality of data communication and the at least one image-forming apparatus maintain the not-yet-obtained usage information based upon confirmation. Applicants respectfully submit that such a not-yet-obtained list is not disclosed or suggested in Kawaguchi.

¹ Office Action, page 4, lines 16-20.

² Id., page 5, lines 5-8.

Further, the outstanding Official Action asserts that Kawaguchi discloses a second obtaining operation executing device.³ Applicants respectfully disagree with this assertion. Kawaguchi fails to disclose a second obtaining operation based on the afore-mentioned the not-yet-obtained list generated by the not yet-obtained list generating device. Applicants respectfully submit that the second obtaining operation and the features based upon the result of the previous obtaining operation defined in the independent claims are not disclosed or suggested in Kawaguchi.

M.P.E.P. § 2143 requires for a *prima facie* case of obviousness that the prior art reference (or references when combined) must teach or suggest all the claim limitations. With no disclosure or suggestion in the applied prior art references of the above-noted features, it is respectfully submitted that independent Claims 1, 18, and 35 and the claims dependent therefrom patentably define over the applied prior art.

Finally, regarding dependent Claims 12, 29, and 46, Applicants submit that the “Presence/Absence of failure category for impossible listing of apparatus” feature, cited in the outstanding Office Action as disclosed by Tabata, is not directed to a technology which lists the image forming apparatuses still having not-yet obtained information, as defined in Claims 12, 29, and 46. Moreover, Applicants submit that a usage information obtaining - impossible-list generating device configured to only operate even though a prescribed times of second obtaining operations have been performed, as defined in Claims 12, 29, and 46, is not disclosed or suggested in Tabata.

Thus, for their dependence on independent Claims 1, 18, and 35 and for the above-noted reasons, it is respectfully submitted that Claims 12, 29, and 46 patentably define over the applied prior art.

³ Office Action, page 5, lines 9-16.

Application No. 09/492,456
Reply to Office Action of October 22, 2003

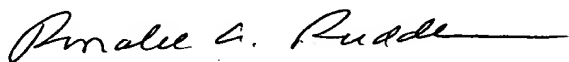
Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)
GJM:RAR:clh



Gregory J. Maier
Attorney of Record
Registration No. 25,599
Ronald A. Rudder, Ph.D.
Registration No. 45,618

I:\ATTY\RAR\AMENDMENTS\05574892\AM1.DOC